

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes changes to Figs. 1, 2, 3(A)-(B), 10(A)-(B), and 25-27.

Figs. 25-27 have been labeled “PRIOR ART.” Fig. 1 has been amended to replace “X-X” with “I-I.” The description for Figs. 10(A)-(D) has been corrected in the specification. Fig. 1, Fig. 2, Figs. 3(A)-(B), Figs. 10(A)-(D) have been amended to take out the underline under the various numeral references. No new matter has been added.

Attachment:      Replacement sheet

**REMARKS**

**Non-Compliant Amendment**

The Amendment filed November 22, 2005 was considered non-compliant because the marked-up copy was not an original copy of the specification showing the changes thereto and each claim was not provided with the proper status identifier. In addition, the Examiner observed that the double patenting rejection of the outstanding Office Action was not addressed and the amended claims contained informalities.

Applicants have submitted revised marked-up and clean copies of the specification that remove paragraph numbering, show headings and subheadings as originally filed, and correct a paragraph break on page 3. Applicants have corrected the status identifiers of claims 3, 4, and 7-10 to read “withdrawn-currently amended.” Applicants respectfully submit that claims 3, 4, and 7-10 as originally filed read on the elected species and request that they be reinstated. The double patenting rejection has been addressed, requesting that Applicants be given the opportunity to file a terminal disclaimer when all pending claims are allowed. Finally, informalities in the claims have been corrected.

Applicants respectfully submit that the present submission satisfies the requirements under 37 C.F.R. § 1.121 and request the Response be entered.

**Pending Claims**

Claims 1-16 are pending. Claims 2-4, 7-10, 15, and 16 have been withdrawn for allegedly reading on non-elected species. Claims 1, 5, 6, and 11-14 have been examined. Claim 1 has been amended to incorporate claim 2, which is believed to read on the elected species for the reasons set forth below.

New claim 17 is directed to the elected species, for example, Figs 1, 4 and 9A. No new matter has been added.

Election/Restrictions

In the response (July 7, 2005) to an election/restriction requirement, Applicant stated that:

In response to an Office Action that stipulated an election/restriction requirement, Applicants elect the species of Figs. 1-16. Claims 1-13 read on Figs. 1-16. In accordance with the Examiner's instruction, Applicants further elect the species of Fig. 9A from the list in a) in the Office Action. Claims 1-5 read on Fig. 9A. Applicants also elect the species of Fig. 22B from the list in b). Claims 1-8 and 10-14 read on Fig. 22B. Finally, Applicants elect the species of Fig. 10A from the list in c). Claims 1-13 read on Fig. 10A.

However, in the Office Action dated August 22, 2005 on page 2, it is stated that claims 2-4, 7-10 15, and 16 are withdrawn from consideration because:

...the figures of the elected species do not show the claimed structure, e.g. Figures 1-16, 9A, 10A, and 22B do not show a convex area with a triangular longitudinal cross section as claimed in claim 8, i.e. the elected species has a lateral cross section of triangular shape, or it is unclear whether such read on the elected species or not, e.g. in claim 3, what "sleeve portion."?" No sleeve portion is claimed in claim 1.

It is noted that claim 2 reads on, for example, Fig. 1 and Figs. 13(A) and (b), which show that there is a space formed between the main sheet body 2 and the sub-sheet body 6 – that is, the main sheet body 2 and the sub-sheet body 6 are bonded at each adjacent peripheral edge but not bonded from an inner edge to inside (see also the description in Paragraphs [0117] and [0187] as published in US Application No. 2004/014789). Therefore, claim 2 does read on the elected species and the withdrawal was improper. Claim 2 has been canceled and the limitation was incorporated into claim 1.

Claim 3 as amended does read on the elected species. Fig. 1 shows at least one opening, which is a sleeve opening, along the lateral direction to which a finger can be inserted. It is respectfully requested that claim 3 be fully considered as it reads on the elected species.

Claim 4 reads on the elected species. For example, Fig. 4 shows a first sheet body 2 forming an opening 19A for inserting a finger and second sheet body 14 forming an opening 19B

for inserting a finger (this is consistent with Fig. 9A). Applicant respectfully requested that claim 4 be reinstated for consideration.

Claim 7 reads on the elected species, Fig. 5 (see also Paragraph [0121]. Fig. 5 shows that the long convex area 3 has a length of the top 3a being shorter than that of the bottom 3b in the longitudinal direction. Fig. 7 shows that the convex area has faces that slope from the top to the bottom. Applicant respectfully requests that claim 7 be reinstated for consideration.

Claim 8 also reads on the elected species. As seen in Figs. 1 and 4, for example, the long convex area has a triangular lateral cross-section. Applicant request that the claim be reinstated for consideration.

Claim 9 reads on the elected species. See Paragraph [0122] in reference to Fig. 5. Applicant request that claim 9 be reinstated for consideration.

Claim 10 also reads on the elected species. As seen in Fig. 6, for example, the cross-section of the long convex area 3 becomes smaller from one end 5a to the other end 5b. See Paragraph [0123]. Claim 10 should also be reinstated for consideration.

Therefore, Applicants respectfully submit that claims 3, 4, and 7-10 have been improperly “withdrawn” for the reasons above. Claims 15 and 16 are withdrawn from further consideration.

### Specification

A substitute specification (a clean copy and a marked-up copy) is provided to correct the informalities therein. No new matter has been added.

The summary section has been amended to be commensurate with the scope of the claims. No new matter has been added.

With respect to what a sleeve portion is, a sleeve portion 14a is, as shown in Fig. 2, is an opening of the elongated convex area, which is like a sleeve.

Descriptions regarding Figs. 9(A)-(C) has been amended to be consistent with the drawings.

“Longitudinal cross-section” has been corrected to “lateral cross-section” throughout the specification.

Other informalities have been amended in accordance with the indications in the Office Action.

### Drawings

Figs. 25-27 have been labeled “PRIOR ART.” Fig. 1 has been amended to replace “X-X” with “I-I.” The description for Figs 10(A)-(D) has been corrected in the specification. Fig. 1, Figs. 2, Figs. 3(A)-(B), Figs. 10(A)-(B) have been amended to take out the underline under the various references. No new matter has been added.

### Claim Objections

Claims have been corrected to obviate the various objections to the claims. No new matter has been added.

### Claim Rejections – 35 USC §102

Claims 1, 2, 6, and 11-14 have been rejected under 35 USC §102(b) as being anticipated by Gann PCT ‘270. Applicant respectfully submits that those claims are not anticipated for at least the following reasons.

Claim 1 as amended recites as follows:

Claim 1 (currently amended): An interlabial pad, comprising:  
a main sheet body comprising a water permeable surface sheet facing a body side and a water permeable backing sheet facing an opposite side of the body side, the surface sheet and the backing sheet being bonded to sandwich a first absorber for absorbing body fluid; and  
a sub-sheet body comprising a water permeable surface sheet positioned at the body side and a water permeable or non-permeable backing sheet facing a garment side, the surface sheet and the backing sheet being bonded to sandwich a second absorber for absorbing body fluid,  
**wherein the main sheet body and the sub-sheet body are substantially the same width when bonded,**  
wherein the main sheet body comprises an elongated convex area formed along the longitudinal direction of the surface sheet so that a substantial center area of the surface sheet in a lateral direction is formed convex towards the body side, and  
**wherein the main sheet body and the sub sheet body are bonded at each longitudinal side edge in the longitudinal direction, and an inside of the long convex area is not bonded.**

At least the bolded feature above are not disclosed, taught, or suggested by the cited prior art reference.

In the present invention as set forth in claim 1, the elongated convex area is produced by joining the main sheet body and the sub-sheet body, which are coextensive so that they have substantially the same width. Also, the main sheet body and the sub sheet body are bonded at each longitudinal side edge in the longitudinal direction, and an inside of the long convex area is not bonded. In contrast, in WO 99/55270 to Gann (the '270 publication), the tube 22 (which allegedly correspond to the main sheet body) clearly does not have the same width as the underlying base pad 24, which would presumably corresponds to a sub-sheet body. They would also not be bonded at the coextensive side edges and not bonded internally. For example, see Fig. 1 of the '270 publication. Therefore, for at least this reason, claim 1 is not anticipated by the cited prior art reference.

Claim 3 in view of the amendment is not anticipated for at least the same reason as claim 1. Furthermore, the '270 publication does not disclose at least one opening with the elongated convex area along the lateral direction to which a finger can be inserted. The '270 publication shows the tube 22 in Figs. 1, 3, and 7 that is closed and does not allow for inserting fingers. For at least this reason, claim 3 is not anticipated by the cited prior art.

Claim 4 as amended also is not anticipated by the cited prior art for much of the same reason as claim 3.

Claims 6 and 11-14 are not anticipated for at least the same reason as claim 1.

Claim Rejection – 35 USC §103

Claim 5 has been rejected under 35 USC §103(a) as obvious over Gann ‘270 in view of Wierlacher ‘096.

Claim 5 would not be obvious for at least the same reason as claim 1.

The invention as set forth in the claims has at least two advantages. First, the convex area can accommodate the labial appropriately because of the space between the main sheet body and the sub-sheet body. The space can flexibly deform and absorb body fluids. Second, as set forth in claims 3, 4 and 5, the interlabial pad can have different finger insertion openings – e.g. one between the main body sheet and the sub-sheet body and one between the main body sheet and the mini sheet piece. Such structure is not disclosed, taught, or suggested by the cited prior art references. For people with shallow labia, the finger insertion opening formed between the main sheet body and the sub-sheet body of claim 3 or 4 can be used. For people with deep labia, the finger insertion opening formed by the mini sheet piece of claim 5 can be used. Therefore, the interlabial pad can be used alternatively at least in two ways depending on the depth of the labia of wearers. See page 9, last paragraph to page 10, line 21.

New Claim

New claim 17, which reads on at least Figs. 1, 4, and 9A, is believed to be allowable for all of the reasons set forth above.

**Double Patenting Rejection**

Claims 1, 5-6, and 11-14 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 8, and 10-14 of copending Application No. 10/705,812. Applicants will respond to this rejection by filing an appropriate terminal disclaimer when the rejection is no longer provisional and when claims 1, 5, 6, and 11-14 of the present application are deemed to be allowable except for this rejection.

**CONCLUSION**

Claims 1, 3-14, and 17 are believed to be allowable for the foregoing reasons.

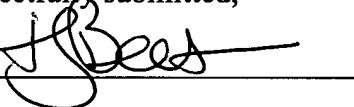
In view of the above amendment, applicant believes the pending application is in condition for allowance.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: March 14, 2006

Respectfully submitted,

By



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Attachments